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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,983	03/17/2004	Thomas E. Valiulis	502440	3899

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REINHART BOERNER VAN DEUREN P.C.
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ROCKFORD, IL 61107

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/802,983	Applicant(s) VALIULIS ET AL.	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 29-41 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-11 and 29-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the fifth office action for application number 10/802,983, Retail Display Support having Reduced Drag and Method, filed on March 17, 2004. This application is a continuation-in-part of application 10/390,444, filed March 17, 2003.

Response to Amendment

The indicated allowability of claims 1-4, 9-11, and 29-41 is withdrawn in view of the further consideration of previously cited reference(s) to Bustos and Burke. Rejections based on the newly cited reference(s) follow.

Election/Restrictions

Claims 5-8 and 12-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on October 28, 2005.

Cancellation of Claims

Claims 17-28 and 42-45 have been canceled per applicant's request.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 11, 36, 38, and 40 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 4,346,806 to Bustos, hereinafter, Bustos '806. Bustos '806 discloses an

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apparatus for display retail merchandise, the apparatus comprising: a retail support structure (10) having a rearward portion (19), the retail support structure having a support surface (16) extending horizontally; a front stop (36) arranged proximate a front end of the support surface; self-facing means (angling of shelf) for facilitating forward movement of the retail merchandise supported on the support surface toward the front stop; a reduced friction layer (18) of a fluoropolymer coating and arranged to directly contact the retail merchandise, the reduced friction layer having a static coefficient of friction that is less than a static coefficient of friction for a standard powder coated finish for retail shelves; wherein the fluoropolymer is coated onto the support surface and therefore integral therewith; wherein the retail support structure includes a generally flat panel providing the support surface; wherein the reduced friction layer is permanently affixed to the support surface; wherein the reduced friction layer reduces drag on the retail merchandise; and wherein the reduced friction layer is a fluoropolymer tape.

Claims 1, 4, 11, 29, 32, and 34-39 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,577,623 to Bustos, hereinafter, Bustos '623 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bustos '623 in view of U.S. Patent 6,808,804 to Hotaka et al. hereinafter, Hotaka. Bustos '623 discloses an apparatus for display retail merchandise, the apparatus (10) comprising: a retail support structure (34) having a rearward portion (136), the retail support structure having a support surface (100,162) extending horizontally; a front stop (50) arranged proximate a front end of the support surface; self-facing means (angling of shelf, Col. 6, line 14ff) for facilitating forward movement of the retail merchandise supported on the support surface toward the front stop; a reduced friction layer (162) of a

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silicon coating and arranged to directly contact the retail merchandise, the reduced friction layer having a static coefficient of friction that is less than a static coefficient of friction for a standard powder coated finish for retail shelves; wherein the retail support structure includes a generally flat panel providing the support surface; wherein the apparatus is free of an endless belt; wherein the support surface is oriented substantially parallel with horizontal when the retail support structure is supported in a horizontal position by a vertical support; wherein the support structure includes a generally flat panel providing the support surface; wherein the reduced friction layer is permanently affixed to the support surface; and wherein the reduced friction layer reduces drag on the retail merchandise.

In the alternative, Bustos '623 discloses the claimed invention except for the limitation of the silicon being cured to the support surface by ultraviolet light. Bustos '623 discloses the silicon is coated on the support surface (Col. 6, line 22ff) to reduce the friction between the merchandise and the support surface. Hotaka teaches a surface coated with silicon, which is cured by heating or irradiation with ultraviolet rays. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of applying the silicon to the support in Bustos '623 to have included curing the silicon by ultraviolet light as taught by Hotaka for the purpose of providing an alternative and mechanically equivalent means for reducing the friction between merchandise and the support surface and since this process would not have produced any unexpected results.

Claims 1, 4, 9-11, 29, and 32-39 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 6,484,891 to Burke or, in the alternative, under 35 U.S.C. 103(a) as obvious over Burke in view of Hotaka. Burke discloses an apparatus for display retail merchandise,

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the apparatus (10) comprising: a retail support structure (12) having a rearward portion (18), the retail support structure having a support surface (60) extending horizontally; a front stop (16) arranged proximate a front end of the support surface; self-facing means for facilitating forward movement of the retail merchandise supported on the support surface toward the front stop; a reduced friction layer of a silicon coating (note the process of applying the silicon coating, i.e., curing by ultraviolet light is not given any patentable weight because it is a method of applying a material that does not lend to the functionality of the structural limitations of the claimed invention) and arranged to directly contact the retail merchandise, the reduced friction layer having a static coefficient of friction that is less than a static coefficient of friction for a standard powder coated finish for retail shelves; wherein the means includes a spring biased pusher (90) biased toward the front stop and movable toward and away from the front stop; wherein the support surface is oriented substantially parallel with the horizontal when the retail support structure is supported in a horizontal position by a vertical support; wherein the retail support structure includes a generally flat panel providing the support surface; wherein the apparatus is free of an endless belt; wherein the reduced friction layer reduces drag on the retail merchandise; and wherein the reduced friction layer is permanently affixed to the support surface.

In the alternative, Burke discloses the claimed invention except for the limitation of the silicon being cured to the support surface by ultraviolet light. Burke however, discloses that the silicon is sprayed on the support surface (Col. 9, line 15ff) to reduce the friction between the merchandise and the support surface. Hotaka teaches a surface coated with silicon, which is cured by heating or irradiation with ultraviolet rays. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of applying the silicon to the support in Burke to have included curing the silicon by ultraviolet light as taught by Hotaka for the purpose of providing an alternative and mechanically equivalent means for reducing the friction between merchandise and the support surface and since this process would not have produced any unexpected results.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 30, 31, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bustos '623 in view of Bustos '806. Bustos '623 disclose the claimed invention except for the limitations of the reduced friction layer being a fluoropolymer and/or a fluoropolymer tape. Bustos '806 teaches a reduced friction layer wherein the layer is a fluoropolymer tape, which coats the support surface. It would have been obvious to one having ordinary skill in the art the time the invention was made to have modified the reduced friction surface in Bustos '623 to have included a fluoropolymer as taught by Bustos '806 for the purpose of providing an alternative, mechanically equivalent means to reduce the friction between the support surface and merchandise supported thereon.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


U.S. Patent 5,642,042 to Flum et al.

U.S. Patent 5,855,283 to Johnson

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

March 20, 2007